

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LINDSAY O'BRIEN QUARRIE,

Plaintiff,

v.

No. 13-cv-0349 MV/SMV

NEW MEXICO INST. OF MINING & TECH., et al.,

Defendants.

ORDER EXTENDING DEADLINES

THIS MATTER is before the Court on Defendants' Motion for Court Order Extending Deadline for Pretrial Motions [Doc. 155], filed on July 11, 2014. Plaintiff filed a response in opposition on July 14, 2014. [Doc. 156]. No reply was filed. *See* [Doc. 168]. The Court, having considered the briefing, the record, and relevant law, finds that the motion is well-taken and shall be GRANTED.

Defendants ask for an extension of their deadline to file their pretrial motions, arguing that Plaintiff's refusal to cooperate in scheduling his deposition has caused them to not complete discovery before the deadline to file their pretrial motions. [Doc. 155] at 2. Defendants argue that Plaintiff's deposition was necessary in order for their pretrial motions to be meaningful. *Id.*

Under Fed. R. Civ. P. 16(b)(4), a scheduling order may be modified only for good cause. The Court finds that good cause exists to extend the pretrial motions deadline in this case. Plaintiff's Court-ordered deposition did not occur until July 25, 2014, more than a week after the pretrial motions deadline had passed on July 15, 2014. *See* [Docs. 135, 149]. Defendants diligently pursued efforts to take Plaintiff's deposition from at least March 18, 2014. *See*

[Doc. 124] at 3. Plaintiff obstructed their efforts by filing two motions for a protective order. [Docs. 122, 149]. The Court denied Plaintiff's requests for a protective order each time. [Docs. 136, 149]. Furthermore, the Court found his second motion to be entirely frivolous and ordered him to pay Defendants' expenses. [Doc. 149] at 2–3. Given these circumstances, the Court finds that an extension of the pretrial motions deadline is warranted.

IT IS THEREFORE ORDERED that Defendants' Motion for Court Order Extending Deadline for Pretrial Motions [Doc. 155] is **GRANTED**.

IT IS FURTHER ORDERED that the pretrial motions deadline is extended until **September 16, 2014**.

IT IS FURTHER ORDERED that the parties are to submit a consolidated Pretrial Order as follows:

- a. Plaintiff to Defendant by: October 2, 2014
- b. Defendant to Court by: October 16, 2014

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge